

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

The following procedures are currently in place for filing a **Notice of Removal**:

Pursuant to Federal Rule of Bankruptcy Procedure 9027(a): “A notice of removal shall be filed with clerk for the district and division within which is located the state or federal court where the civil action is pending.” For example, a notice to remove a civil action from a New York State Court located in the Southern District of New York should be filed with the United States District Court for the Southern District of New York. Notices of Removal should not be filed at the Bankruptcy Court. A fee of \$150.00 and an original plus three copies of the civil cover sheet* (on green paper) must be filed with the District Court.

NOTE: A party seeking to file a **Motion to Withdraw the Reference** should refer to Local Rule 5011-1 (“Withdrawal of Reference”), as amended (effective August 2, 2004):

“A motion for withdrawal of the reference shall be filed with the Clerk of the Bankruptcy Court. The movant is then required to file with the Clerk of the District Court a copy of the motion, the receipt for payment of the filing fee, three copies of the District Court Civil Cover Sheet, and a copy of any corporate ownership statement previously filed pursuant to Bankruptcy Rule 1007(a) or 7007.1. The movant shall then file with the Clerk of the Bankruptcy Court a statement indicating the Civil Case Number and District Court Judge assigned to the matter. All subsequent papers relating to the motion shall be filed with the Clerk of the District Court.”

There is a filing fee of \$150.00 (payable to the Bankruptcy Court Clerk’s Office) for filing a motion to withdraw the reference.

August 9, 2004

Kathleen Farrell-Willoughby
Clerk of Court

* District Court forms may be obtained from the District Court’s website: www.nysd.uscourts.gov. Click on “Forms” and then “Forms Required to Start an Action.”